

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL S. JOHNSON, DONNA DYMKOWSKI,
PATRICIA LONG-CORREA, ANTONIO
SAMUEL, VINCENT HALL, ANGELETTE
WATERS, Individually, and on behalf of the Class,

Civil Action No. 1:07-CIV 8473

Plaintiffs,

-against-

NEXTEL COMMUNICATIONS, INC., a Delaware
Corporation, LEEDS, MORELLI & BROWN, P.C.,
LENARD LEEDS, STEVEN A. MORELLI,
JEFFREY K. BROWN, JAMES VAGNINI,
FREDERIC DAVID OSTROVE, BRYAN
MAZOLLA, SUSAN FITZGERALD, and JOHN and
JANE DOES 1-10, (a fictitious designation for
presently unknown Defendants),

Defendants.

**DECLARATION OF SHARI C.
LEWIS, ESQ. IN SUPPORT OF
MOTION FOR APPEARANCE PRO
HAC VICE PURSUANT TO LOCAL
RULE 1.3(C)**

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I, **SHARI CLAIRE LEWIS, ESQ.**, pursuant to 28 U.S.C. § 1746, hereby declare the
following:

1. I am an attorney-at-law, admitted to practice in the State of New York and member of the law firm of Rivkin Radler LLP.
2. I am duly admitted to practice and in good standing before the United States District Court for the Southern District of New York.
3. This Certification is submitted in support of the Motion for Appearance *pro hac vice* filed on behalf of Traci L. Van Pelt, Esq., Michael T. McConnell, Esq. and Robert W. Steinmetz, Esq. of the law firm of McConnell, Siderius, Fleischner, Houghtaling & Craigmile, LLC, which is located at 2401 15th Street, Suite 300, Denver, Colorado 80202.

4. Rivkin Radler LLP, 926 RexCorp Plaza, Uniondale, New York 11556, is currently local counsel of record in this matter on behalf of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq. Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. Pursuant to Local Rule 1.3(c), Rivkin Radler LLP agrees to continue to serve as local counsel and to comply with the requirements set forth in the Rules of Court.

5. As a member of the Bar of this Court, I am simultaneously filing a Notice of Appearance asking that all future notices, Orders and pleadings be served on myself at the office of Rivkin Radler LLP, 926 RexCorp Plaza, Uniondale, New York 11556. On their admission, a request will be filed with the Court that Ms. Van Pelt, Mr. McConnell and Mr. Steinmetz also receive all future notices.

6. The law firm of McConnell, Siderius, Fleischner, Houghtaling & Craigmile, LLC, and in particular Traci L. Van Pelt, Esq., Michael T. McConnell, Esq. Robert W. Steinmetz, Esq. concentrate and have significant experience in defending legal malpractice actions, and have been specifically requested by defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq. Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. to handle their representation in this matter.

7. This case is a purported class action. As against defendants Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq., Plaintiffs seek certification of sub-class comprised of those persons who timely requested exclusion from a class action filed against these same defendants in the State of Colorado. Ms. Van Pelt and Mr. McConnell were the counsel of record in the Colorado class action lawsuit from which the sub-class asserting claims against Leeds, Morelli & Brown, P.C. requested exclusion. That matter is captioned Foster, et al. v. Leeds, Morelli & Brown, P.C., et al., Case No. 2002CV1484, Arapahoe County District Court, State of Colorado.

8. The Foster class action case was settled pursuant to the C.R.C.P. 23.1 fairness approval process. A final order approving that settlement was entered. In that Order, the Colorado District Court released all claims asserted by 548 of the 587 claimants against Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq. The Colorado class action case was based upon the identical issues and claims as the case at bar.

9. Ms. Van Pelt and Messrs. McConnell and Steinmetz have just defended the trial of a lawsuit filed by two purported class members who requested timely exclusion from the Colorado class action and who are also purported members of the putative sub-class in the case at bar. That matter is captioned McNeil, et al. v. Leeds, Morelli & Brown, et al., Denver District Court, State of Colorado, Case No. 2003CV893. The McNeil matter, which was pending for 4 ½ years, was tried before a jury from October 29 – November 8, 2007, and resulted in a defendants' verdict.

10. As a result of Ms. Van Pelt's and Messrs. McConnell's and Steinmetz's representation of Leeds, Morelli & Brown, et al. in the Colorado class action case and the case filed by two claimants who timely requested exclusion from the class action case, these lawyers have acquired substantial knowledge concerning the facts and legal issues involved in this case.

11. Based upon the foregoing, and the accompanying Declaration by the applicant, I respectfully request that the Court admit Traci L. Van Pelt, Esq., Michael T. McConnell, Esq. and Robert W. Steinmetz, Esq., *pro hac vice* for the purposes of appearing, participating, and representing Leeds, Morelli & Brown P.C., Lenard Leeds, Esq. Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. in this matter.

I declare, under penalties of perjury, that the foregoing is true and correct.

Dated: November 15, 2007

RIVKIN RADLER LLP

ATTORNEYS FOR DEFENDANTS LEEDS,
MORELLI & BROWN, P.C., LENARD LEEDS,
ESQ., STEVEN A. MORELLI, ESQ., AND
JEFFREY K. BROWN, ESQ.

BY: /s/ Shari Claire Lewis

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